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Ongoing priorities and themes

Information received from the United Nations system

Note by the Secretariat

Addendum**

Office of the United Nations High Commissioner for Human Rights

Summary

The present note provides information on activities relating to indigenous peoples undertaken by the Office of the United Nations High Commissioner for Human Rights. Reference is made in particular to the various activities that have been organized by the Office in the period 2004-2005 and the substantive documentation available for members of the Permanent Forum on Indigenous Issues on human rights and indigenous peoples.

* E/C.19/2005/1.

** The present document was submitted late in order to ensure the inclusion of the most recent information.

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Introduction

1. In chapter I, section B, of its report on its third session[1], the Permanent Forum on Indigenous Issues made proposals and recommendations for future action principally addressed to the United Nations system, including recommendations specifically relating to human rights (paras. 40-54). The present note provides information on the status of those recommendations relevant to the Office of the United Nations High Commissioner for Human Rights as well as other information, as requested by the Forum. It may be noted that some 25 substantive reports and working papers related to the rights of indigenous peoples have been prepared in the period 2004-2005 under the aegis of the Office. Members of the Forum are invited to take these documents into consideration in their deliberations. References to some of these documents are contained in this note and all documentation can be found on the Office website (www.ohchr.org).

I. Information related to requests addressed exclusively to the Office of the United Nations High Commissioner for Human Rights

2. In paragraph 45 of chapter I of its report on its third session, Forum recommended that all human rights treaty bodies and other human rights mechanisms of the United Nations pay special attention to the human rights of indigenous peoples, in particular indigenous women. The recommendation has been brought to the attention of the relevant bodies. The human rights treaty bodies and the Special Procedures are independent human rights mechanisms whose mandates are determined either by the treaties themselves or by the Commission on Human Rights; in practice, the rights of indigenous peoples are covered by these mechanisms. For example, the Committee on the Elimination of Racial Discrimination recently reviewed, under its Early-Warning and Urgent Action Procedure, the compatibility of the New Zealand Foreshore and Seabed Act 2004 with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination[2] in the light of information received from the Government and a number of Maori non-governmental organizations and taking into account Committee General Recommendation XXIII on the rights of indigenous peoples[3] (see Committee decision 1 (66): New Zealand Foreshore and Seabed Act 2004 (CERD/C/66/NZL/Dec.1)).

3. In paragraph 46 of chapter I of its report, the Forum urged the meeting of chairpersons of the human rights treaty bodies and the meeting of special rapporteurs and other mechanisms of the Commission on Human Rights to place indigenous peoples, including indigenous women, in their agenda and invite the Forum to participate. In the case of the annual meeting of Special Procedures mandate-holders, **the presence of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people ensures that indigenous issues are represented.** Furthermore, as also noted below, the statement of all Special Procedures mandate-holders on Human Rights Day was dedicated to indigenous peoples. In paragraphs 48, 49, 50 and 54 of chapter I of its report, the Forum made recommendations to Special Rapporteurs of the Commission. Those recommendations were brought to their attention.

II. Information related to general requests addressed to United Nations system

4. In 2004, the Economic and Social Council had authorized the Forum to organize a three-day technical workshop on free, prior and informed consent, with the participation of representatives of the United Nations system (see Council decision 2004/287 of 22 July 2004). The International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples was held from 17 to 19 January 2005 with the participation of, inter alia, representatives of the United Nations system including the Office of the United Nations High Commissioner for Human Rights. The Office provided information on the application of the principle of free, prior and informed consent in its own work and underlined the importance of the standard-setting being undertaken by the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights in respect of the principle. In this regard, the Office also recommended that the Forum consider how it could give support to the initiative (see E/C.19/2005/3 for the report of the workshop).

III. Other information regarding recent activities relating to indigenous peoples

5. The principal theme of the twenty-second session of the Working Group on Indigenous Populations, held in Geneva from 19 to 23 July 2004, was "Indigenous peoples and conflict resolution". Under the standard-setting component of its mandate, the Working Group considered two technical papers, one, prepared by Mr. Yozo Yokota and the Saami Council, on guidelines for the review of the draft principles and guidelines on the heritage of indigenous peoples (E/CN.4/Sub.2/AC.4/2004/5); and the other, prepared by Ms. Antoanella-Iulia Motoc and the Tebtebba Foundation, related to free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the Working Group on this concept (E/CN.4/Sub.2/AC.4/2004/4). Further information on the working Group and its standard-setting work can be found in the report of the Working Group on the session (E/CN.4/Sub.2/2004/28). The twenty-third session of the Working Group will be held from 18 to 22 July 2005 and will have as its principal theme "Indigenous peoples and the international and domestic protection of their traditional knowledge". **Members of the Forum are invited to contribute relevant information on the principal theme**, if they so wish.

6. The tenth session of the Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 was held in Geneva from 13 to 24 September and from 29 November to 3 December 2004. The report of the Working Group is available in document E/CN.4/2005/89.

7. During 2004, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen, continued to carry out a number of activities in the context of the mandate entrusted to him by the Commission on Human Rights in 2001, which was extended in 2003. Those activities focused: first, on advancing the conceptual development of some of the

main issues that are of great concern to indigenous peoples around the world; second, on carrying out visits to a number of countries to study the situation of indigenous peoples in situ and analyse the obstacles and challenges in respect of the full enjoyment of their human rights; and third, on **making use of his good offices to call the attention of Governments to particular human rights situations faced by a number of individuals and even entire communities as well as to request them to take steps to investigate allegations of human rights violations.**

8. The Special Rapporteur focused his main report to the sixty-first session of the Commission (E/CN.4/2005/88) on indigenous peoples' access to quality education. In that report, he analysed some of the difficulties and provided examples of good practices and initiatives aimed at providing durable solutions to the education challenges faced by indigenous peoples in different countries. The report contained information that might be of interest in respect of considering how to advance Millennium Development Goal 2 as it related to indigenous peoples. He also carried out two official country missions, to Colombia (8-17 March 2004) and Canada (21 May-4 June 2004), to observe the situation of indigenous peoples. The country mission reports are contained in documents E/CN.4/2005/88/Add.2 and E/CN.4/2005/88/Add.3, respectively. **The Special Rapporteur has continued to pay special attention to the situation of indigenous women and children when visiting countries, including specific gatherings to hear their concerns.**

9. The Special Rapporteur also presented to the Commission at its sixty-first session a summary of the communications from non-governmental organizations on allegations of violations of the human rights and fundamental freedoms of indigenous peoples and the letters received from Governments in reply to his communications in the period from 15 December 2003 to 31 December 2004, and an overview of the activities in place in follow-up to his recommendations arising from his visits to the countries, as well as a brief reference to other activities carried out during the period under review and the activities planned for 2005. This report (E/CN.4/2005/88/Add.1) contained information on 17 country situations.

10. In addition, the Special Rapporteur also took part in events and lectured at academic institutions on different aspects of his mandate. On the occasion of the International Day of the World's Indigenous People (9 August), the Special Rapporteur issued a public statement paying tribute to all indigenous individuals and organizations, and in particular indigenous women, engaged in activities aimed at promoting and protecting the human rights and fundamental freedoms of their communities and their peoples wherever they lived. In his statement, **the Special Rapporteur expressed his deep concern over the continuing reports of violations of human rights perpetrated against indigenous peoples and, in particular, against indigenous human rights activists.** He referred in particular to the murder of an indigenous human rights activist from Colombia, Fredy Arias, whom the Special Rapporteur had met in the course of his visit to that country.

11. On the occasion of Human Rights Day (10 December), the Special Rapporteur joined 28 other United Nations experts in making a statement focusing on the obstacles faced by certain persons and groups in respect of their enjoying fully their human rights. Among the groups most at risk and in need of protection are indigenous peoples. The experts noted that, as the United Nations was embarking **on the process of defining the goals for a second International Decade of the World's Indigenous People, it was important to focus on the need to protect the**

human rights of indigenous peoples. The human rights experts highlighted the fact that human rights violations remained the main concern for millions of indigenous peoples and thousands of indigenous communities around the world and therefore urged everyone — civil society, the private sector, the international community and every individual — to step up efforts to promote and protect the human rights of indigenous peoples.

12. In 2004, the Office of the United Nations High Commissioner for Human Rights Indigenous Fellowship Programme hosted five English-speaking fellows for five months in Geneva. The fellows received training on human rights instruments and mechanisms in particular in relation to indigenous peoples. The fellows also visited several other United Nations organizations in Geneva and followed a two-week programme at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris. The fellows were from the following countries: Solomon Islands, Myanmar, Kenya, Ukraine and Greenland. Four Spanish-speaking indigenous fellows, from Colombia, Argentina, Brazil and Mexico, took part in the programme organized jointly by the Office and the Human Rights Institute at the University of Deusto, Bilbao, Spain. Four French-speaking fellows, from Canada, New Caledonia, Mali and Morocco, took part in the programme organized jointly by the Office and the University of Bourgogne.

13. In August 2004, the Office of the United Nations High Commissioner for Human Rights carried out an evaluation of its Indigenous Fellowship Programme on the occasion of the World Youth Festival at the Barcelona Forum of Cultures. All previous fellows were invited to attend and 42 were able to participate in the evaluation. The evaluation provided the Office with information on the impact of the training Programme as well as recommendations on how to develop and strengthen the Programme.

14. The eighteenth session of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations was held in Geneva from 28 February to 4 March 2005. The five Board members, all of whom are indigenous people, are Mr. Lars Anders Baer (Saami), Mr. Nadir Bekirov (Crimean Tatar), Mr. Ahmed Mahiou (Amazigh), Mr. José Carlos Morales Morales (Brunca) and Ms. Victoria Tauli-Corpuz (Igorot). The Board considered 256 admissible applications for travel grants (to cover travel costs and a daily stipend) for representatives of indigenous communities and organizations to attend the fourth session of the Permanent Forum on Indigenous Issues to be held in New York from 16 to 27 May 2005. In light of the selection criteria, the Board recommended for approval to the Secretary-General 26 grants for representatives of indigenous communities and organizations (10 female and 16 male) to attend the Forum, for a total of about US$ 136,900. This recommendation was subsequently adopted by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. **The Board recommended that the Bureau of the Forum at its fourth session in 2005 invite the Chairperson, or any other member of the Board, to deliver a statement on the implementation of the mandate given to the Fund by the General Assembly in its resolution 56/140 of 19 December 2001. Finally, the Board recommended that members of the Board present in New York meet with the members of the Forum informally to exchange information and to meet with donors.**

15. The Office of the United Nations High Commissioner for Human Rights also organized a technical seminar to evaluate the United Nations Voluntary Fund for

Indigenous Populations and the Voluntary Fund for the International Decade of the World's Indigenous People. The overall objective of the seminar was to assess the contribution and impact of the Funds in respect of achieving the goals of the Decade and to draw lessons and produce recommendations that could be used in the future. Participants, inter alia, found that the Funds represented a concrete expression of partnership with indigenous peoples, by involving them in the decision-making process through the Board of Trustees and empowering them. The United Nations Voluntary Fund for Indigenous Populations had, in particular, given indigenous peoples a voice at the United Nations by offering them the opportunity to participate in relevant meetings and contribute their first-hand experiences to the deliberations. This ensured that indigenous peoples were provided with the possibility of raising their issues internationally, networking with other indigenous organization and non-governmental organizations, and establishing relationships with Governments and other United Nations bodies. This led, inter alia, to their developing their leadership capabilities and, in some cases, to their solving issues directly with governmental delegations. Indigenous peoples were further involved in the development of international standards and national legislation for the protection and promotion of their human rights. Examples were also given of projects and activities supported by the Voluntary Fund for the International Decade of the World's Indigenous People that had contributed directly to the protection and promotion of indigenous peoples' rights.

16. Following the recommendations of the Advisory Group of the Voluntary Fund for the International Decade of the World's Indigenous People at its ninth session, the Office disbursed grants for 35 projects to be implemented by indigenous organizations amounting to US$ 243,500. Funding was also made available for four community-led human rights training workshops. The first training workshop was designed by the Foundation for Research and Support of Indigenous Peoples of Crimea and served the Tatar peoples of Ukraine. The training was held in Simferopol, Autonomous Republic of Crimea, from 22 to 24 June 2004. The second training workshop, which was hosted by the Richtersveld Nama Traditional Council and organized in cooperation with the Indigenous Peoples of Africa Coordinating Committee (IPACC), was held in Port Nolloth, South Africa, from 6 to 10 September 2004 and served the San, Nama, Griqua and Khoisan peoples. A resource person from the Office participated in the two training workshops. The remaining activities approved in 2004 by the Coordinator of the Decade on behalf of the Secretary-General will be implemented and completed in the course of 2005. These include two community-led human rights training projects that had to be postponed owing to the decision by the Commission on Human Rights to organize an additional meeting of the Working Group of the Commission to elaborate a draft declaration on the rights of indigenous peoples, and publication activities related to the accomplishments of the Decade.

17. The International Decade of the World's Indigenous People concluded in December 2004. However, the need for the Office to maintain its capacity to assist indigenous peoples in building their human rights capacity still remains, as evidenced by some 100 human rights project proposals received since the last session of the Advisory Group. In her final report to the Commission on Human Rights at its sixty-first session reviewing the activities within the United Nations system under the programme for the Decade (E/CN.4/2005/87), the High Commissioner stated that she intended to request States to maintain the Office's

capacity to support human rights projects and activities as well as travel for indigenous peoples. In relation to the second Decade, **the High Commissioner looked forward to cooperation with the Under-Secretary-General for Economic and Social Affairs in order to complement the programmes and activities designed to advance the rights of indigenous peoples during that Decade**. The report of the Secretary-General to the Economic and Social Council at its substantive session of 2004 on the preliminary review by the Coordinator of the Decade on the activities of the United Nations system in relation to the Decade is contained in document E/2004/82.

IV. Information and suggestions regarding the special theme of the fourth session of the Forum: "Millennium Development Goals and indigenous peoples"

18. The Office of the United Nations High Commissioner for Human Rights participated in the annual session of the Inter-agency Support Group on Indigenous Issues, organized by the United Nations Development Programme (UNDP) and held in new York on 30 September and 1 October 2004, which focused on the theme of the Millennium Development Goals vis-à-vis indigenous peoples.[4] The Office participated in the drafting of a statement on the Millennium Development Goals adopted by the Group and endorsed the position contained therein. The Office looks forward to the discussions scheduled to be held by the Forum on the subject. **In relation to Millennium Development Goal 2, the Office draws attention to the conclusions and recommendations of the Expert Seminar on Indigenous Peoples and Education, organized in cooperation with UNESCO and held in Paris from 18 to 20 October 2004, as contained in the annex to document E/CN.4/2005/88/Add.4 submitted to the Commission on Human rights at its sixty-first session.**

V. Other information

19. The focal point of the Office of the United Nations High Commissioner for Human Rights on indigenous issues is the Indigenous and Minorities Unit, Research and Right to Development Branch. Information and documentation relating to indigenous peoples, application forms for the Indigenous Fellowship Programme and the United Nations Voluntary Fund for Indigenous Populations, the human rights treaty bodies, Special Procedures, and technical cooperation, as well as a calendar of the principal events organized by the Office, can be found on the Office website (www.ohchr.org).

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43).

[2] General Assembly resolution 2106 A (XX), annex.

[3] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 18* (A/52/18), annex V.

[4] The report of the session is contained in document E/C.19/2005/2.